
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. CV 10-38-JST (SHx)

Date: January 5, 2011

Title: CYBERSitter, LLC v. The People's Republic of China et al.

Present: **Honorable JOSEPHINE STATON TUCKER, UNITED STATES DISTRICT JUDGE**

Ellen Matheson
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER STAYING PLAINTIFF'S
MOTION FOR ENTRY OF DEFAULT (Doc. 93) AND
ORDERING PLAINTIFF TO SHOW CAUSE REGARDING
DEFENDANT PRC'S SOVEREIGN IMMUNITY UNDER
FSIA**

Before the Court is Plaintiff CYBERSitter, LLC's Motion for Entry of Default against Defendant The People's Republic of China ("PRC") (Doc. 93). The Foreign Sovereign Immunities Act ("FSIA") holds that, subject to certain exceptions, "a foreign state shall be immune from the jurisdiction of the courts of the United States. . . ." 28 U.S.C. § 1604. When a foreign state does not enter an appearance to assert an immunity defense under FSIA, the Court should consider the issue sua sponte. *Peterson v. Islamic Republic of Iran*, --- F. 3d ----, 2010 WL 4910226, at *4 (9th Cir. Dec. 3, 2010). The PRC has not yet appeared in this action.

The Court therefore ORDERS CYBERSitter to show cause as to why the PRC is not immune from this suit under FSIA. CYBERSitter shall submit a written response addressing this issue no later than January 26, 2011. Accordingly, CYBERSitter's Motion for Entry of Default is STAYED until the Court determines whether it has jurisdiction over the PRC, and the hearing scheduled for January 10, 2011, at 10:00 a.m. is removed from the calendar.

Initials of Preparer: enm